

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUGO ZALDANA, individually, and on  
behalf of all others similarly situated,

Plaintiff,

v.

KB HOME, et al.,

Defendants.

No. C-08-3399 MMC

**ORDER GRANTING IN PART AND  
DENYING IN PART FIRST AMERICAN  
DEFENDANTS' MOTION TO DISMISS;  
DENYING KB HOMES' MOTION TO  
DISMISS**

Before the Court are two Motions to Dismiss plaintiff Hugo Zaldana's ("Zaldana") Third Amended Complaint, each filed October 1, 2009, and brought, respectively, by (1) defendants First American Title Company ("FATC"), First American Title Insurance Company ("FATIC"), and First American Corporation ("FAC") (collectively, "First American defendants") and (2) defendant KB Home. By order filed December 9, 2009, the Court took the motions under submission.

On March 26, 2010, the above-titled action came before the Court for a Case Management Conference, at which counsel for all parties to said action appeared.

At the Conference, the Court addressed the above-referenced motions, afforded counsel for the moving and opposing parties an opportunity to be heard, and announced its tentative rulings.

1 By the instant order, the Court adopts its tentative rulings and, for the reasons stated  
2 on the record at the Conference, rules as follows:

3 1. To the extent the First American defendants seek dismissal of defendants FATIC  
4 and FAC, the motion is hereby GRANTED, with leave to amend; in all other respects, the  
5 motion is hereby DENIED.

6 2. KB Homes' motion is hereby DENIED.

7 3. Zaldana's Fourth Amended Complaint, if any, shall be filed no later than April 23,  
8 2010; any amendments shall be limited to those necessary to cure the deficiencies noted  
9 with respect to the sufficiency of the allegations against FATIC and FAC.

10 **IT IS SO ORDERED.**

11  
12 Dated: March 26, 2010

  
MAXINE M. CHESNEY  
United States District Judge